

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

YODI MYERS,)	
)	IC 02-012341
Claimant,)	IC 03-010750
v.)	
)	
VARSITY CONTRACTORS,)	ORDER
)	
Employer,)	
and)	
)	FILED OCT 4 2004
TRANSPORTATION INSURANCE COMPANY,)	
)	
Surety,)	
Defendants.)	
)	

Pursuant to Idaho Code § 72-717, Referee Douglas A. Donohue submitted the record in the above-entitled matter, together with his proposed findings of fact and conclusions of law to the members of the Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendations of the Referee. The Commission concurs with these recommendations. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED that:

1. Claimant sustained a back injury at work on June 19, 2002.
2. Claimant is entitled to a CT myelogram of the lumbar spine.
3. Issues of stability, PPI, and disability are not yet ripe for determination.
4. Claimant is not entitled to attorney fees based upon Defendants' actions prior to the date of the hearing.

!. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all issues adjudicated.

DATED this 4TH day of OCTOBER, 2004.

INDUSTRIAL COMMISSION

/S/ _____
R. D. Maynard, Chairman

/S/ _____
Thomas E. Limbaugh, Commissioner

/S/ _____
James F. Kile, Commissioner

ATTEST:

/S/ _____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on 4TH day of OCTOBER, 2004, a true and correct copy of the foregoing **ORDER** was served by regular United States Mail upon each of the following:

Jonathan M. Volyn
P.O. Box 2196
Pocatello, ID 83206-2196

Alan K. Hull
Justin P. Aylsworth
P.O. Box 7426
Boise, ID 83707

db /S/ _____